


9/3/2019

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

SEP 05 2019

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

Motion to Dismiss –

6:18CV61

- 1) Failure to State a Claim
- 2) Statute of Limitations
- 3) Improper Party/Improper Defendant

I, Kelly Edmundson, am respectfully asking the court to dismiss this case, with prejudice, based on any one of the reasons listed:

1) Failure to State a Claim

The plaintiff's statements are merely a long list of speculations and conspiracy theories. The plaintiff fails to state a proper claim or provide any proof or evidence of wrongdoing by myself, or by North Creek Incorporated (NCI). NCI was participating in normal, even usual, business practices of buying building lots with a secured line of credit and using that line of credit to construct a residential home with the intent to sell for profit. With the purchase of all lots mentioned by the plaintiff, a third party Closing Agent or Real Estate Attorney was used to provide a Title Search and Title Insurance.

2) Statute of Limitations

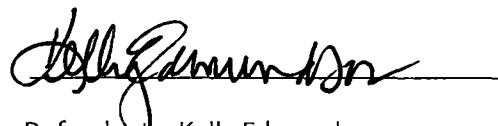
The purchase of all building lots discussed by the plaintiff occurred well over six years ago, and were all sold well over five years ago. The Supreme Court established a 4-year Statute of Limitations for Civil RICO claims in *Agency Holding Corp. v. Malley-Duff & Associates, Inc.*, 483 U.S. 143, (U.S. 1987). Virginis SoL for Fraudulent Conveyance (Civil Fraud) is 5 years.

3) Improper Party/Improper Defendant

NCI is an Incorporated Company. All dealings with Serene Creek Run, Ralph Beck, or the building lots listed, involved NCI, the incorporated company, and not myself, Kelly Edmundson.

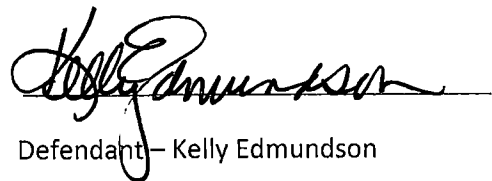
Furthermore, with all of the building lot purchases mentioned by the plaintiff, NCI used a third party Closing Agent or RE Attorney to provide a complete Title Search, ensure Clear Title, and provide Title Insurance. If a title dispute over any of these lots exists, any potential claim would be with the Closing Agent, RE Attorney, or Title Insurance Provider.

I, Kelly Edmundson respectfully ask the court to dismiss this case, with prejudice, as I should not have to bear any additional cost, time, hassle, etc. to defend against the baseless claims presented by the plaintiff.



Defendant – Kelly Edmundson

A copy of the enclosed Motion to Dismiss and Answer to plaintiff's complaint has been mailed to the plaintiff.

A handwritten signature in black ink, appearing to read "Kelly Edmundson", is written over a horizontal line. The signature is cursive and stylized.

Defendant — Kelly Edmundson